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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application No.	10/076957
	Filing Date	February 19, 2002
	First Named Inventor	Alex Margulis
	Art Unit	2634
	Examiner Name	Erin M. File
Total Number of Pages in This Submission	Attorney Docket Number	42390P13611

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul A. Mendonsa, Reg. No. 42,879 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	July 20, 2006

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Gayle Bekish		
Signature		Date	July 20, 2006



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/076957
Filing Date	February 19, 2002
First Named Inventor	Alex Margulis
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Art Unit	2634
Attorney Docket No.	42390P13611

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 500.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(500.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Paul A. Mendonsa	Registration No. (Attorney/Agent)	42,879	Telephone	(503) 439-8778
Signature		Date	07/20/06		



ATTORNEY'S DOCKET No. 42390P13611

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

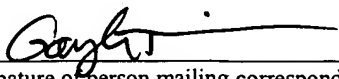
IN RE THE		
APPLICATION OF:	Alex Margulis et al.	CONFIRMATION No.: 2027
APPLICATION No.:	10/076,957	ART UNIT: 2634
FILED:	February 19, 2002	EXAMINER: Erin M. File
TITLE:	RAKE RECEIVER INTERFACE	
ASSIGNEE:	INTEL CORPORATION	

APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed June 20, 2006, Applicant respectfully submits this Appeal Brief.

I, Gayle Bekish, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2006.


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Page 1 of 10

U.S. APPLICATION No. 10/076,957
ATTORNEY'S DOCKET No. 42390P13611

- i. Real Party in Interest: (1) Intel Corporation, a Delaware corporation, and
(2) D.S.P.C. Technologies Ltd., an Israeli company.
- ii. Related Appeals and Interferences: None.
- iii. Status of Claims: Claims 1-2, 12-13, and 26 are rejected.
Claims 3-11, 14-25, and 27 are objected to.
Claims 1-2, 12-13, and 26 are on appeal.
- iv. Status of Amendments: No amendment has been filed subsequent to final rejection.
- v. Summary of Claimed Subject Matter:

Interrupts are generated in a transfer of information between a rake receiver and a processor. The interrupts have a rate of generation per unit time independent of a rate of the transfer of information per unit time.

In accordance with one or more embodiments described in the Description and illustrated in the drawings of the present application, information is transferred between a rake receiver 11 and a processor 12 as illustrated in Figure 1. Interrupts may be generated in the transfer of information between rake receiver 11 and processor 12. The interrupts may have a rate of generation per unit time independent of a rate of the transfer of information per unit time. The information may comprise, without limitation, symbols having symbol boundaries. For an example shown in Figure 2, interrupts 19 may be generated in the transfer of symbols having symbol boundaries 16A-16D and 18A-18D from fingers F1 and F2, respectively, of fingers 10 to processor 12 of Figure 1. See Description, p. 4 at paras. [0014]-[0016].

Figure 3 illustrates, for one embodiment, interrupts the timing of which may be defined as global symbol boundaries 20A-20C which may be generated at a rate independent of the time rate of symbol boundaries 16A-16D and 18A-18D. For one embodiment, fingers F1 and F2 may write information to registers R0 and R1 of Figure 1 in an alternating manner and global symbol boundaries 20A-20C may be used for processor 12 to read alternately from registers R0 and R1

independently of the rate at which fingers F1 and F2 write to registers R0 and R1. Figure 3 illustrates timing for an embodiment where the timing of fingers F1 and F2 may remain constant and the global symbol boundaries may have a fixed rate. See Description, p. 5 at para. [0018] to p. 6 at para. [0022].

Figure 4 illustrates timing for an embodiment where the timing of finger F1 may vary with time while the global symbol boundaries have a fixed rate, causing a collision between writing to and reading from the same register. See Description, p. 6 at paras. [0023]-[0024].

Figures 5 and 6 illustrate timing for embodiments where one or more counters 22 of Figure 1 are used to track writes to and reads from registers R0 and R1 to prevent read-write collisions. See Description, p. 7 at para. [0025] to p. 8 at para. [0031].

vi. Grounds of Rejection to be Reviewed on Appeal:

Whether claims 1-2, 12-13, and/or 26 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,792,031 B1 to Sriram et al. ("Sriram").

Appellant notes the rejections of claims 1-2, 12-13, and 26 over Sriram were initially made under § 102(b) in the April 25, 2005 Office Action, were made under § 102(e) in the October 4, 2005 Office Action, and were made under § 102(b) in the February 16, 2006 Final Office Action ("Final Office Action"). Sriram issued on September 14, 2004 and therefore does not qualify as prior art under § 102(b) with respect to the present application which was filed on February 19, 2002. Appellant is treating these rejections as if they were made under § 102(e).

vii. Argument:

Independent claims 1, 12, and 26 recite a generation of interrupts in a transfer of information between a rake receiver and a processor, wherein the interrupts have a rate of generation per unit time independent of a rate of the transfer of information per unit time. Claims 2 and 13 depend from claim 1 and 12, respectively, and therefore also include such features.

Appellant respectfully submits Sriram did not teach or suggest such features as claimed. Appellant also respectfully submits that Sriram actually taught away from such features as claimed.

Sriram taught, with reference to Figure 2, interrupt generator 214 which generates task-based interrupts. Sriram explicitly taught in column 6 at lines 58-61:

Interrupt Generator 214 generates three types of interrupts including task-based interrupts, system interrupts and error interrupts. Each CCP 200 task can generate at least one interrupt.

As illustrated in Figure 2 of Sriram, interrupt generator 214 forms a part of a correlator co-processor (CCP) 200. Appellant respectfully submits that Sriram taught that all timing in CCP 200 is not independent of the rate of data transfer with CCP 200 and therefore respectfully submits that the rate of generation by interrupt generator 214 of interrupts in such a data transfer is not independent of data transfer rate.

Sriram taught use of global chip counter (GCC) 100 to maintain timing in a code division multiple access (CDMA) rake receiver employing CCP 200. See, e.g., Sriram in column 4 at lines 6-27. Sriram explicitly taught in column 4 at lines 29-31:

Specifically the GCC 100 counts the samples of the CDMA signal ("chips") as they arrive at the receiver * * *.

Sriram also explicitly taught, for example, in column 4 at lines 32-33:

All timing in the receiver is specified relative to the GCC 100.
(emphasis added)

and in column 4 at lines 42-44:

All timing in the coprocessor (CCP) 200 is relative to the GCC 100 count value * * *.
(emphasis added)

and in column 6 at lines 47-49:

All timing in the CCP 200 is relative to the GCC 100 count value * * *.
(emphasis added)

Appellant therefore respectfully submits that all timing in CCP 200 is not independent of the rate at which CCP 200 receives samples of a CDMA signal and that therefore all timing in interrupt

generator 214, which again forms a part of CCP 200, is then necessarily not independent of such a data transfer rate.

Because CCP 200 and interrupt generator 214 use the same source of timing which is not independent of the rate at which CCP 200 receives samples of a CDMA signal, Appellant also respectfully submits that the rate of generation by interrupt generator 214 of interrupts in data transfer from CCP 200 is not independent of the rate of data transfer from CCP 200.

Appellant respectfully submits such contradictory teachings of Sriram preclude any interpretation that Sriram anticipated Appellant's claims 1, 12, and 26.

The Final Office Action on page 3 at lines 16-17 has maintained from both the April 25, 2005 and October 4, 2005 Office Actions that:

* * * Because the interrupts are generated by data tasks and not the data the interrupt rate is independent of the data transfer rate.

Appellant respectfully submits, however, that this interpretation is contradicted by the actual teachings of Sriram as explained above.

The Final Office Action on page 2 at lines 12-15 states:

* * * Looking at the rate of error interrupts, these interrupts cannot be said to be generated at a rate dependent upon the rate of data transfer. A higher data transfer rate does not directly increase or decrease the error rate, nor does a lower data rate. The rate of data transfer does not determine the frequency of error interrupts.

Appellant respectfully submits, however, that this interpretation is also contradicted by the actual teachings of Sriram as explained above. Appellant also notes the Final Office Action does not identify any teaching in Sriram to support this interpretation.

Appellant further notes the Final Office Action does not identify any teaching in Sriram that such error interrupts are interrupts in a transfer of information between a rake receiver and a processor as claimed in claims 1, 12, and 26.

The Final Office Action on page 3 at lines 1-3 states:

The examiner again points out the timing of the CCP circuit, in which the interrupt generator in Sriram's invention resides, is not the same as the rate at which interrupts are generated.

Appellant respectfully submits, however, that this interpretation is also contradicted by the actual teachings of Sriram as explained above. Appellant also notes the Final Office Action does not identify any teaching in Sriram to support this interpretation.

For at least the above reasons, Appellant respectfully submits claims 1-2, 12-13, and 26 are not anticipated under 35 U.S.C. § 102(e) by Sriram. Appellant therefore respectfully requests reversal of the rejections of claims 1-2, 12-13, and 26.

Respectfully submitted,

Date: July 20, 2006

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viii. Claims Appendix:

1. A method comprising:

generating interrupts in a transfer of information between a rake receiver and a processor, said interrupts having a rate of generation per unit time independent of a rate of the transfer of information per unit time.

2. The method according to claim 1, wherein generating said interrupts comprises generating said interrupts in a transfer of symbols between fingers of said rake receiver and said processor, said interrupts having a rate of generation per unit time independent of a time rate of symbol boundaries of said symbols.

12. Apparatus comprising:

a rake receiver; and

a processor, wherein the apparatus is adapted to generate interrupts in a transfer of information between said rake receiver and said processor, said interrupts having a rate of generation per unit time independent of a rate of the transfer of information per unit time.

13. The apparatus according to claim 12, wherein said apparatus is able to generate said interrupts in a transfer of symbols between fingers of said rake receiver and said processor, said interrupts having a rate of generation per unit time independent of a time rate of symbol boundaries of said symbols.

26. A communications system comprising:

a rake receiver;

a processor;

apparatus able to generate interrupts in a transfer of information between said rake receiver and said processor, said interrupts having a rate of generation per unit time independent of a rate of the transfer of information per unit time; and

a code division multiple access (CDMA) communications component.

ix. Evidence Appendix: U.S. Patent No. 6,792,031 B1 to Sriram et al. was originally entered in the record by the Examiner in the April 25, 2005 Office Action.

x. Related Proceedings Appendix: None.